

REMARKS

Summary of the Office Action

Applicants' election of the species (1) filed on February 4, 2002 has been acknowledged.

Claims 1-4, 9 and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Suzuki et al.* (U.S. Patent No. 5,606,448).

Summary of the Response to the Office Action

Applicants have amended claims 1, 9 and 12 to more clearly define the invention. Accordingly, claims 1-12 remain pending.

The Rejections under 35 U.S.C. §102(b)

Claims 1-4, 9 and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Suzuki et al.* The rejections are respectfully traversed for at least the following reasons.

With respect to independent claim 1, as amended, Applicants respectfully submit that *Suzuki et al.* does not teach or suggest a mass member, a periphery of which is larger than that of a non-rotary section of a driving motor for rotating a polygon mirror.

The Examiner suggests that a fixed shaft 13 of *Suzuki et al.* is a "non-rotary section" and a magnet 33 of *Suzuki et al.* is a "mass member" as claimed in the present application. The Examiner alleges that *Suzuki et al.* discloses an optical scanner comprising a rotary deflector wherein a driving motor includes the fixed shaft 13 located at the center of rotation of the driving motor and the deflector includes the magnet 33 fixed at the center of the top end of the fixed

shaft 13. However, as shown in Figure 1 of *Suzuki et al.*, it is clear that a periphery of magnet 33 of *Suzuki et al.* is smaller than that of the fixed shaft 13 of *Suzuki et al.* In contrast, in the present invention, as shown in Fig. 3, the mass member 72 is shown to be larger than the stationary shaft 44 in order to perform the function of avoiding resonance and reducing vibration and noise. Therefore, Applicants respectfully submit that *Suzuki et al.* fails to teach or suggest at least "a periphery of the mass member is larger than that of the non-rotary section of the driving motor," as recited by amended independent claim 1.

With respect to independent claims 9 and 12, for similar reasons set forth above, Applicants respectfully submit that *Suzuki et al.* fails to teach or suggest at least "a periphery of the mass member is larger than that of the non-rotary section of the driving motor," as recited by amended independent claims 9 and 12.

Applicants respectfully assert that the rejections under 35 U.S.C. §102(b) should be withdrawn because *Suzuki et al.* does not teach or suggest each and every feature of independent claims 1, 9 and 12, as amended. As pointed out in MPEP §2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicants respectfully assert that dependent claims 2-4 are allowable at least because of their dependence upon the amended independent claim 1 and the reasons set forth above.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

Attached hereto is a marked-up version of the changes made by the current amendment. The attachment is captioned "Version with markings to show changes made."

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.R.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Kindly amend pending independent claims 1, 9 and 12 as follows:

1. (Amended) A rotary deflector [wherein] **comprising** a mass member [is] attached to a non-rotary section of a driving motor for rotating a ploygon mirror, **wherein a periphery of the mass member is larger than that of the non-rotary section of the driving motor.**

9. (Amended) An optical scanning unit comprising:
a rotary deflector, wherein a mass member is attached to a non-rotary section of a driving motor for rotating a ploygon mirror, **a periphery of the mass member is larger than that of the non-rotary section of the driving motor.**

12. (Amended) An image forming apparatus comprising:
an optical scanning unit comprising a rotary deflector in which a mass member is attached to a non-rotary section of a driving motor for rotating a ploygon mirror, **a periphery of the mass member is larger than that of the non-rotary section of the driving motor.**